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6 MARIA RETANA and MARGARITA MEDINA

FILED  
2024 MAR 11 PM 2:11  
STEPHANIE BOHRER, CLERK  
BY [Signature]  
DEPUTY

#601#915954

7 **SUPERIOR COURT OF CALIFORNIA**  
8  
9 **FOR THE COUNTY OF SAN JOAQUIN**

10 ROSEMERI AROSEMENA, MARIA  
11 RETANA, and MARGARITA MEDINA, as  
12 individuals and on behalf of all others  
similarly situated,

13 Plaintiffs,

14 vs.

15  
16 RANCHHODRAI INC., a California  
17 Corporation; KANJIBHAI PATEL, an  
individual; CHAMP PATEL, an individual;  
18 and DOES 1 to 100, inclusive,

19 Defendants.  
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Case No. STK-CV-UOE-2019-15963

**CLASS ACTION**

**PLAINTIFFS' NOTICE OF MOTION AND  
MOTION FOR PRELIMINARY APPROVAL  
OF CLASS ACTION AND PAGA  
SETTLEMENT**

Date: April 5, 2024  
Time: 9:00 a.m.  
Dept.: 10A  
Judge: Hon. George J. Abdallah, Jr.

Filed: December 2, 2019  
FAC Filed: February 26, 2020  
SAC Filed: October 19, 2020  
Trial Date: None Set

1 TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

2 PLEASE TAKE NOTICE that on April 5, 2024, at 9:00 a.m., or as soon thereafter as the matter  
3 may be heard in Department 10A of the above-entitled Court, Plaintiffs Rosemeri Arosemena, Maria  
4 Retana and Margarita Medina, individually and on behalf of all other similarly situated individuals,  
5 hereby move for entry of an Order for the following:

- 6 1. Preliminarily approving the proposed class action and Private Attorneys General Act  
7 settlement, in the amount of \$135,000, which is incorporated herein by reference;
- 8 2. Preliminarily approving the appointment of Apex Class Action as the Settlement  
9 Administrator and for payment to Apex Class Action for administering said class action  
10 settlement in an amount not to exceed \$10,000;
- 11 3. Preliminarily approving the settlement of claims under the Private Attorneys General Act for  
12 the total amount of \$10,000, 75% of which will be paid to the Labor and Workforce  
13 Development Agency and 25% of which will be paid to Aggrieved Employees;
- 14 4. Preliminarily and conditionally approving the Class Representative Enhancement Payments  
15 of \$10,000.00 each to Plaintiffs Rosemeri Arosemena, Maria Retaná, and Margarita Medina;
- 16 5. Preliminarily approving the application for payment to Class Counsel of attorneys' fees in  
17 the amount of 35% of the Gross Settlement Amount;
- 18 6. Preliminarily approving the application for payment to Class Counsel of reasonable costs not  
19 to exceed \$12,000.00;
- 20 7. Approving as to form and content the Notice of Settlement, which provides Class Members  
21 information regarding the settlement, their ability to opt out of, or object to, the class action  
22 settlement and which provides instruction on how to dispute an individual's settlement  
23 allocation under the proposed settlement agreement;
- 24 8. Approving the proposed procedures to notify the class and determining that the proposed  
25 notification procedures and process complies with Class Members' due process rights and  
26 directing the Notice of Settlement to be sent by first class mail to Class Members;

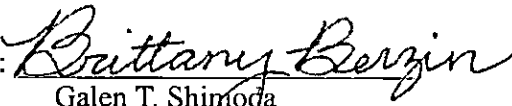
- 1 9. Directing Defendant Ranchhodrai, Inc. and its individual owners, Defendants Kanjibhai Patel  
2 and Champ Patel, to report employment information, including social security numbers, to  
3 the Settlement Administrator to administer the settlement proceeds;
- 4 10. Scheduling a fairness hearing on the question of whether the proposed settlement should be  
5 finally approved as fair, reasonable, and adequate;
- 6 11. Directing that any amount from settlement checks that were not cashed by the check cashing  
7 deadline be donated equally, *i.e.* 50/50, to Capital Pro Bono, Inc., and the Center for Workers  
8 Rights under the doctrine of *cy pres*;
- 9 12. Preliminarily and conditionally approving and adopting the Proposed Order and its  
10 implementation schedule, which is filed herewith and incorporated by reference.

11 This motion is being made pursuant to Code of Civil Procedure section 382, Labor Code section  
12 2699(l), and California Rules of Court 3.769, on the grounds that the proposed class action and Private  
13 Attorneys General Act settlement is fair, reasonable, and adequate as to all Class Members and should  
14 be approved by the Court. This motion will be based on the notice of motion, memorandum of points  
15 and authorities, the Declaration of Brittany V. Berzin, the Declaration of Rosemeri Arosemena, the  
16 Declaration of Maria Retana, the Declaration of Margarita Medina, exhibits, the record and files of this  
17 case, and any further oral or documentary evidence introduced at the hearing of this motion.

18 **Tentative rulings for Law and Motion will be posted electronically by 1:30 p.m. the day before the**  
19 **hearing. Any party wishing to contest or argue the tentative ruling must email the court at**  
20 **civilcourtclerks@sjcourts.org that they intend to appear remotely no later than 4:00 PM on the**  
21 **day before the scheduled hearing. The Department and Case Number must be in the header of the**  
22 **email. The email must include the Department, Case number, Case Name, Motion, party's name**  
23 **and email, date and time of the hearing, issues they plan to argue, and that they have informed the**  
24 **opposing party. The party must also notify affected counsel, or unrepresented parties, that they**  
25 **intend to appear, no later than 4:00 PM on the day before the scheduled hearing. Unless the Court**  
26 **and opposing counsel have been notified, the tentative ruling shall become the ruling of the Court**  
27 **without oral argument.**

28 Dated: March 11, 2024

Shimoda & Rodriguez Law, PC

By:   
Galen T. Shimoda  
Justin P. Rodriguez  
Brittany V. Berzin  
Attorneys for Plaintiffs